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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BROADCAST MUSIC, INC.; INTERIOR
MUSIC CORP.; RONDOR MUSIC
INTERNATIONAL, INC. d/b/a IRVING
MUSIC; FOURTEENTH HOUR MUSIC INC.;
SPRINGTIME MUSIC, INC.; STONE
DIAMOND MUSIC CORP.; GREGMARK
MUSIC, INC.; LORD AND WALKER
PUBLISHING; and GOLD HILL MUSIC, INC.,

Plaintiffs,

v.

UVA ON MAIN, LLC d/b/a PAGANO'S UVA
RESTAURANT & WINE BAR; RAFFAELLA
PAGANO; and ANTHONY PAGANO, each
individually,

Defendants.

Civil Action No. _____

Document Electronically Filed

COMPLAINT

Plaintiffs, by their undersigned attorneys, for their Complaint against Defendants UVA on Main, LLC d/b/a Pagano's UVA Restaurant & Wine Bar, Raffaella Pagano, and Anthony Pagano (collectively, "Defendants"), allege as follows (on knowledge as to Plaintiffs; otherwise on information and belief):

JURISDICTION AND VENUE

1. This is an action for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. §§ 101 et seq. (the “Copyright Act”). This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and 1400(a).

THE PARTIES

3. Plaintiff Broadcast Music, Inc. (“BMI”) is a corporation organized and existing under the laws of the State of New York. BMI’s principal place of business is 7 World Trade Center, 250 Greenwich Street, New York, New York 10007. BMI has been granted the right to license the public performance rights in approximately 10.5 million copyrighted musical compositions (the “BMI Repertoire”), including those which are alleged herein to have been infringed.

4. The Plaintiffs other than BMI are the owners of the copyrights in the musical compositions that are the subject of this lawsuit. All Plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Plaintiff Interior Music Corp. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

6. Plaintiff Rondor Music International, Inc. is a corporation doing business as Irving Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

7. Plaintiff Fourteenth Hour Music Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

8. Plaintiff Springtime Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

9. Plaintiff Stone Diamond Music Corp. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

10. Plaintiff Gregmark Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

11. Plaintiff Lord and Walker Publishing is a sole proprietorship owned by Bernita Walker-Moss. This Plaintiff is the copyright owner of at least one of the songs in this matter.

12. Plaintiff Gold Hill Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

13. Defendant UVA on Main, LLC is a limited liability company organized and existing under the laws of the state of New Jersey, that operates, maintains and controls an establishment known as Pagano's UVA Restaurant & Wine Bar (the "Establishment") located at 800 Main St., Bradley Beach, NJ 07720, in this district

14. In connection with the operation of the Establishment, Defendant UVA on Main, LLC publicly performs musical compositions and/or causes musical compositions to be publicly performed.

15. Defendant UVA on Main, LLC has a direct financial interest in the Establishment.

16. Defendant Raffaella Pagano is an owner and officer of Defendant UVA on Main, LLC with responsibility for the operation and management of that limited liability company and the Establishment.

17. Defendant Raffaella Pagano has the right and ability to supervise the activities of Defendant UVA on Main, LLC and a direct financial interest in that limited liability company and the Establishment.

18. Defendant Anthony Pagano is an owner of Defendant UVA on Main, LLC with responsibility for the operation and management of that limited liability company and the Establishment.

19. Defendant Anthony Pagano has the right and ability to supervise the activities of Defendant UVA on Main, LLC and a direct financial interest in that limited liability company and the Establishment.

CLAIMS OF COPYRIGHT INFRINGEMENT

20. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 19.

21. Since July 2009, BMI has contacted Defendants approximately seventy (70) times, by phone, in-person visits, mail and email, in an effort to educate Defendants as to their obligations under the Copyright Act with respect to the necessity of purchasing a license for the public performance of musical compositions in the BMI repertoire. Included in the letters were Cease and Desist Notices, providing Defendants with formal notice that they must immediately cease all use of BMI-licensed music in the Establishment.

22. Plaintiffs allege seven (7) claims of willful copyright infringement, based upon Defendants' unauthorized public performance of musical compositions from the BMI Repertoire. All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against Defendants.

23. Annexed to this Complaint as a schedule (the "Schedule") and incorporated herein is a list identifying some of the many musical compositions whose copyrights were infringed by

Defendants. The Schedule contains information on the seven (7) claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information (all references to “Lines” are lines on the Schedule): Line 1 providing the claim number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 identifying the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued for the musical composition; Line 6 indicating the copyright registration number(s) for the musical composition; Line 7 showing the date(s) of infringement; and Line 8 identifying the Establishment where the infringement occurred.

24. For each work identified on the Schedule, the person(s) named on Line 3 was the creator of that musical composition.

25. For each work identified on the Schedule, on or about the date(s) indicated on Line 5, the publisher(s) named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the number(s) listed on Line 6.

26. For each work identified on the Schedule, on the date(s) listed on Line 7, Plaintiff BMI was (and still is) the licensor of the public performance rights in the musical composition identified on Line 2. For each work identified on the Schedule, on the date(s) listed on Line 7, the Plaintiff(s) listed on Line 4 was (and still is) the owner of the copyright in the respective musical composition listed on Line 2.

27. For each work identified on the Schedule, on the date(s) listed on Line 7, Defendants publicly performed and/or caused to be publicly performed at the Establishment the musical composition identified on Line 2 without a license or permission to do so. Thus,

Defendants have committed copyright infringement.

28. The specific acts of copyright infringement alleged in the Complaint, as well as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI Repertoire at the Establishment, Defendants threaten to continue committing copyright infringement. Unless this Court restrains Defendants from committing further acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

WHEREFORE, Plaintiffs pray that:

(I) Defendants, their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. § 502;

(II) Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C. § 504(c);

(III) Defendants be ordered to pay costs, including a reasonable attorney's fee, pursuant to 17 U.S.C. § 505; and

(IV) Plaintiffs have such other and further relief as is just and equitable.

Dated: August 2, 2016
Newark, New Jersey

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Schedule

Line 1	Claim No.	1
Line 2	Musical Composition	Ain't No Sunshine
Line 3	Writer(s)	Bill Withers
Line 4	Publisher Plaintiff(s)	Interior Music Corp.
Line 5	Date(s) of Registration	3/30/71 11/18/77
Line 6	Registration No(s).	Eu 243844 Ep 376752
Line 7	Date(s) of Infringement	4/11/2015
Line 8	Place of Infringement	Pagano's Uva Restaurant & Wine Bar

Line 1	Claim No.	2
Line 2	Musical Composition	I'll Take You There
Line 3	Writer(s)	Alvertis Isbell
Line 4	Publisher Plaintiff(s)	Rondor Music International, Inc. dba Irving Music
Line 5	Date(s) of Registration	4/3/72 7/17/72
Line 6	Registration No(s).	Eu 321670 Ep 301733
Line 7	Date(s) of Infringement	4/11/2015
Line 8	Place of Infringement	Pagano's Uva Restaurant & Wine Bar

Line 1	Claim No.	3
Line 2	Musical Composition	Mustang Sally
Line 3	Writer(s)	Bonny Rice
Line 4	Publisher Plaintiff(s)	Fourteenth Hour Music Inc.; Springtime Music, Inc.
Line 5	Date(s) of Registration	4/27/93 3/22/65
Line 6	Registration No(s).	RE 627-422 Eu 873659
Line 7	Date(s) of Infringement	4/11/2015
Line 8	Place of Infringement	Pagano's Uva Restaurant & Wine Bar

Line 1	Claim No.	4
Line 2	Musical Composition	Papa Was A Rollin' Stone a/k/a Papa Was A Rolling Stone
Line 3	Writer(s)	Norman Whitfield; Barrett Strong
Line 4	Publisher Plaintiff(s)	Stone Diamond Music Corp.
Line 5	Date(s) of Registration	5/12/72
Line 6	Registration No(s).	Ep 299072
Line 7	Date(s) of Infringement	4/11/2015
Line 8	Place of Infringement	Pagano's Uva Restaurant & Wine Bar

Line 1	Claim No.	5
Line 2	Musical Composition	Stormy Monday a/k/a They Call It Stormy Monday a/k/a Call It Stormy Monday
Line 3	Writer(s)	Aaron T. Walker
Line 4	Publisher Plaintiff(s)	Gregmark Music, Inc.; Bernita Walker-Moss, an individual d/b/a Lord and Walker Publishing
Line 5	Date(s) of Registration	5/9/75 7/15/63 10/10/47
Line 6	Registration No(s).	R 604983 Ep 177515 E 98450
Line 7	Date(s) of Infringement	4/11/2015
Line 8	Place of Infringement	Pagano's Uva Restaurant & Wine Bar

Line 1	Claim No.	6
Line 2	Musical Composition	Love Is Like A Heat Wave a/k/a Heat Wave
Line 3	Writer(s)	Eddie Holland, Brian Holland, Lamont Dozier
Line 4	Publisher Plaintiff(s)	Stone Diamond Music Corp.
Line 5	Date(s) of Registration	6/25/91 7/12/63
Line 6	Registration No(s).	RE 535 914 Eu 779791
Line 7	Date(s) of Infringement	4/11/2015
Line 8	Place of Infringement	Pagano's Uva Restaurant & Wine Bar

Line 1	Claim No.	7
Line 2	Musical Composition	Love The One You're With
Line 3	Writer(s)	Stephen Stills
Line 4	Publisher Plaintiff(s)	Gold Hill Music, Inc.
Line 5	Date(s) of Registration	1/4/99 1/6/98 7/11/74 2/28/70
Line 6	Registration No(s).	RE 797-090 RE 775-536 Ep 326678 Eu 224756
Line 7	Date(s) of Infringement	4/11/2015
Line 8	Place of Infringement	Pagano's Uva Restaurant & Wine Bar
